

# Syria's Chemical Weapons: Issues for Congress

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## Summary

Syria has produced, stored, and weaponized chemical agents, but it remains dependent on foreign suppliers for chemical precursors. The regime of President Bashar al Asad possesses stocks of nerve (sarin, VX) and blister (mustard gas) agents, possibly weaponized into bombs, shells, and missiles. The government also has associated production facilities. Chemical weapons and their agents can deteriorate depending on age and quality; little is known from open sources about the current condition of the stockpile. Syria continues to attempt to procure new supplies of chemical weapons precursors, which are dual-use, through front companies in third countries. Most countries that have had chemical weapons arsenals in the past have destroyed, or are in the process of destroying, these weapons under the Chemical Weapons Convention. The U.S. intelligence community cites Iran, North Korea, and Syria as having active chemical weapons programs. The Syrian government acceded to the Chemical Weapons Convention on September 14, 2013. This convention requires its member states to eliminate all of their chemical weapon stocks, munitions, precursor chemicals, and related production and storage facilities.

A major policy concern of the United States has been the use or loss of control of chemical weapons stocks in Syria, which could have unpredictable consequences for the Syrian population and neighboring countries, as well as U.S. allies and forces in the region. The United States and other countries have assessed that the Syrian government has used chemical weapons against opposition forces in the country. The largest-scale use to date was on August 21, 2013. A U.N. inspection team began working in Syria on August 19, 2013, and completed their mission on August 31. The U.N. team's investigative report confirmed the large-scale use of sarin nerve agent against civilians in the Ghouta area of Damascus on August 21.

President Barack Obama and other world leaders had said that the use of chemical weapons against the civilian population would be met with consequences, which could include the use of military force. For example, President Obama suggested during an August 2012 press briefing that the United States might take military action against Syria if Damascus used or lost control of its chemical weapons, explaining that "a red line for us is we start seeing a whole bunch of chemical weapons moving around or being utilized. That would change my calculus."

On August 31, 2013, President Obama stated that the United States should respond with "military action against Syrian regime targets" in response to the August 21 attack and added that he would ask Congress to grant authorization for the use of military force. The White House had previously announced on June 13, 2013, that the Syrian government had used chemical weapons "on a small scale against the opposition multiple times in the last year." The statement added that, in response to the Asad regime's use of chemical weapons, the President had authorized the expansion of military assistance to the opposition forces in Syria.

However, President Obama subsequently explained in a September 10 speech that he had asked congressional leaders to postpone a vote to authorize the use of military force in order to give the Administration time to pursue a new diplomatic initiative. Syrian Foreign Minister Walid Moallem stated the previous day that Damascus had accepted a proposal presented by the Russian government, according to which Syria would turn over its chemical weapons for international control and supervised destruction. The United Nations Security Council is discussing a draft resolution designed to accomplish this goal. Secretary of State John Kerry and Russian Foreign Minister Sergey Lavrov presented a proposed Framework for Elimination of Syrian Chemical Weapons, which outlines deadlines and actions required. Key issues for implementation of chemical weapons destruction in Syria include verification, inspectors' access, destruction method and location, and the security of international personnel.

While the United States and other governments have said they believe the Asad regime has kept its chemical weapons stocks secure, policy makers are also concerned about what could happen to these weapons in the course of the civil war, such as diversion to terrorist groups or loss of control during a regime collapse. There is also concern that Syria could transfer its chemical weapons to Hezbollah in Lebanon. Administration officials have stated that the United States has been working with regional allies to detect the movement of chemical weapons, prepare interdiction scenarios, and mitigate possible use against military or civilian populations.

During conflict, the intelligence community and Special Forces units would likely play a major role in locating and securing such weapons in a combat environment. The nature and recent course of the conflict in Syria suggests that rapid changes in control over critical military facilities may occur. U.S. government programs established to secure or remove chemical or other weapons of mass destruction through threat reduction or nonproliferation programs have focused on destruction or scientist redirection in an atmosphere of cooperation. At present, such programs are providing border security assistance to neighboring states. These programs may also be used to contribute financial or in-kind technical assistance to the Organization for the Prohibition of Chemical Weapons (OPCW) mission to eliminate chemical weapons in Syria. U.S. policy makers and Congress may wish to review and discuss authorities, funding, forces, and scenarios.

For additional information on chemical weapons agents, see CRS Report R42862, *Chemical Weapons: A Summary Report of Characteristics and Effects*, by Dana A. Shea. For a broader discussion of U.S. policy options, see CRS Report RL33487, *Armed Conflict in Syria: Background and U.S. Response*, by Jeremy M. Sharp and Christopher M. Blanchard.

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## **Latest Developments**

In a sharp reversal of its policy of denying the existence of a chemical weapons program, the Syrian government agreed to destroy its chemical weapons stocks and joined the treaty banning the possession and use of these weapons, the Chemical Weapons Convention (CWC), on September 12. President Obama had been seeking congressional authorization to use military force in response to a large-scale chemical weapons attack by Syria, but on September 10 asked congressional leaders to postpone a vote in order to give the Administration time to pursue a U.S.-Russian diplomatic initiative to achieve chemical weapons disarmament in Syria.

On September 14, 2013, Secretary of State John Kerry and Russian Foreign Minister Sergey Lavrov announced a proposed Framework for Elimination of Syrian Chemical Weapons. The target dates for implementation are completion of initial on-site inspections of Syria's declared chemical weapons-related sites by November 2013; destruction of Syrian chemical weapons production, mixing, and filling equipment by November 2013; and complete elimination of all chemical weapons material and equipment in the first half of 2014. Details are discussed in the "Chemical Weapons Dismantlement" section below.

As a first step, the Syrian government is required to declare all its stocks, munitions, precursor chemicals, and production and storage facilities to the Organization for the Prohibition of Chemical Weapons (OPCW).<sup>1</sup> The Syrian government submitted this document to the OPCW on September 20, 2013. Based on this declaration, the OPCW recommended a plan for CW destruction, which was approved by its Executive Council on September 27, 2013. International inspectors would first verify that the declaration was accurate and complete, and are to begin inspections by October 1. Then, inspectors would oversee that the amounts declared were then destroyed. They would also check that any related production facilities were shuttered or converted. The United Nations and the OPCW have had experience successfully monitoring the destruction of chemical weapons in several countries. Syria has requested technical assistance for the CW dismantlement process, which would likely include U.S. technical or financial assistance to the OPCW. In past cases of chemical weapons elimination, the country holding the stocks was responsible for securing the stockpile and related facilities while awaiting dismantlement. U.N. Security Council Resolution 2118 authorizes measures under Chapter VII of the U.N. Charter if Syria does not comply with its chemical weapons disarmament commitments. Under Chapter VII, a response could include sanctions or use of military force.

The U.N. Mission to Investigate Allegations of the Use of Chemical Weapons in the Syrian Arab Republic released its report on September 16. Based on its investigation on the ground in Syria, the inspection team concluded that surface-to-surface rockets containing the nerve agent sarin were used in the Ghouta area of Damascus against civilians on a "relatively large scale."

## **Policy Issues**

The Syrian case may be the first time the international community has faced a civil war in a state with a known stockpile of chemical weapons. This contingency has raised two major policy concerns: the use of chemical weapons by the regime of President Bashar al Asad; and whether the regime could lose control over these weapons. The first scenario has apparently come to pass; the British, French, and U.S. governments have issued reports assessing that the Syrian

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<sup>1</sup> The OPCW is the international technical secretariat charged with overseeing implementation of the Chemical Weapons Convention. <http://www.opcw.org>

government has used chemical weapons against opposition forces in the country. The largest-scale use to date was on August 21, 2013.

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U.S. officials have expressed confidence that chemical weapons stocks in Syria are secured by the Asad regime, which dispatched elite Special Forces for that purpose. Due to the urgency of preventing access to these weapons by unauthorized groups, including terrorists, the United States government has been preparing for scenarios to secure the weapons in the event of the Asad regime’s loss of control. However, this presents unique challenges. In testimony before the Senate Armed Services Committee on March 7, 2012, then-Secretary of Defense Leon Panetta said, “It’s 100 times worse than what we dealt with in Libya. And for that reason, that’s why it’s raised even greater concerns about our ability to address how we can secure those sites.” The Pentagon has estimated that, in a non-permissive environment, it would take over 75,000 troops to neutralize the chemical weapons.<sup>2</sup>

Possible scenarios of highest concern include Syrian government use of chemical weapons—authorized or unauthorized by local commanders; or Syrian government loss of control through either defections by local commanders in charge of chemical weapons sites or a facility turnover in the course of battle. The United States and other governments have warned Syria that use of chemical weapons could prompt unspecified response, presumed to be military intervention. At the same time, the United States has been urging Russia, historically a patron of Syria, to encourage Asad to maintain control over chemical weapons.<sup>3</sup> Some have suggested that the United States should communicate to Syrian government commanders at the sites that they will be rewarded for maintaining control of these weapons and protecting these facilities from extremist elements. Other possible options include training or assisting the Free Syrian Army in securing chemical weapons, should that army capture such facilities. Preventing chemical weapons from falling into the hands of extremist elements is the ultimate goal of such policies. There will continue to be limits, however, to the United States’ ability to monitor the security of these stockpiles and limits to intelligence about where, how well, and by whom they are being secured.

Specific scenarios to secure chemical weapons have not been discussed in detail to date in open testimony. Even before the current proposal laying out plans for chemical weapons destruction in Syria, some analysts have proposed that advanced planning for international teams would be

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<sup>2</sup> Barbara Starr, “Military: Thousands of Troops Needed to Secure Syrian Chemical Sites,” *CNN.com*, February 22, 2012.

<sup>3</sup> Russian Foreign Minister Sergey Lavrov stated during a June 15, 2013, press conference that Russia has asked for and received assurances from the Asad regime that Damascus would maintain such control.

required. Press reports say that a joint exercise in Jordan in the spring of 2012 included scenarios for securing chemical weapons stocks. The United States and the Czech Republic, which leads NATO chemical defense preparation, are also cooperating to prepare for various scenarios. Israeli President Shimon Peres has appealed to Russian President Putin to urge Asad to ensure chemical weapons' security. The proposal being discussed by Secretary Kerry and Russian Foreign Minister Lavrov in Geneva most likely includes security of the chemical weapons stockpile awaiting eventual dismantlement. In past cases, the government possessing the chemical weapons has been responsible for guarding chemical weapons stocks and facilities awaiting dismantlement.

## Brief History of the Chemical Weapons Program in Syria

Syria has had a chemical weapons program “for many years,” according to an Office of the Director of National Intelligence (ODNI) report to Congress covering 2011.<sup>4</sup> However, U.S. official assessments regarding the origin of Syria's chemical weapons program have varied over the years. A 1995 intelligence assessment states that “Syria has had a chemical warfare program since the mid-1980s.”<sup>5</sup> However, a 1997 Department of Defense report states that the program began in the 1970s.<sup>6</sup>

Damascus probably developed its chemical weapons program in response to a perceived threat from Israel, according to a 1988 U.S. intelligence assessment and the 1997 Defense Department report.<sup>7</sup> Some analysts point out that Egypt provided Syria with a small number of chemical weapons and delivery systems in the lead-up to the Yom Kippur War in 1973.<sup>8</sup> Syria began to expand its program in the late 1970s and early 1980s. Declassified U.S. documents indicate that the Soviet Union supplied Syria with chemical agents, delivery systems, and training related to chemical weapons use.<sup>9</sup> Syria is likely to have procured equipment and precursor chemicals from private companies in Western Europe.

U.S. government documents indicate that Damascus has sought a self-sufficient chemical weapons program since the mid-1980s. A 1983 Special National Intelligence Estimate indicated

<sup>4</sup> *Unclassified Report to Congress on the Acquisition of Technology Relating to Weapons of Mass Destruction and Advanced Conventional Munitions, Covering 1 January to 31 December 2011.*

<sup>5</sup> *The Weapons Proliferation Threat*, Nonproliferation Center, March 1995.

<sup>6</sup> Department of Defense, *Proliferation: Threat and Response*, 1997.

<sup>7</sup> Central Intelligence Agency, *Chemical and Biological Weapons: The Poor Man's Atomic Bomb*, An Intelligence Assessment, 1988.

<sup>8</sup> Jonathan B. Tucker, *War of Nerves*, Pantheon Books, New York, 2006. A French intelligence report published on September 2, 2013, may support this assessment, stating that the Syrian chemical weapons program began in the 1970s with the importation of chemical munitions (*Synthèse Nationale De Renseignement Déclassifié Programme Chimique Syrien, Cas D'emploi Passés D'agents Chimiques Par Le Régime, Attaque Chimique Conduite Par Le Régime Le 21 Août 2013.*)

<sup>9</sup> Central Intelligence Agency, *Use of Toxins and Other Lethal Chemicals in Southeast Asia and Afghanistan*, Special National Intelligence Estimate, Volume I, Key Judgments, February 2, 1982; Director of Central Intelligence, *Implications of Soviet Use of Chemical and Toxin Weapons for U.S. Security Interests*, Special National Intelligence Estimate, September 15, 1983. The 1983 document also identified Czechoslovakia as a supplier of “chemical agents, delivery systems, and training” to Syria. Nevertheless, a Russian official involved in chemical weapons destruction stated in August 2012 that neither Russia nor the Soviet Union had supplied Syria with chemical weapons. “Russia Never Supplied Chemical Weapons to Syria—Official,” *Interfax*, August 21, 2012.



that Syria did not have an “indigenous capability to produce [chemical weapon] agents or material,”<sup>10</sup> but a 1985 State Department telegram suggests that the country was attempting to develop its own chemical weapons.<sup>11</sup> Stating that “Damascus is enhancing its chemical weapon capability,” the cable explains that the United States was imposing export controls on eight dual-use chemicals that “can be used ... in the manufacture of chemical weapons.” Twelve years later, Syria was seeking an “independent chemical warfare capability,” according to the Defense Department. Damascus has apparently not yet achieved this goal.

Like Egypt, Syria has never signed the Chemical Weapons Convention (CWC), which prohibits the development, production, stockpiling, transfer, and use of chemical weapons. However, in 1968, Syria acceded to the 1925 Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, which bans the use of chemical or biological agents in warfare.<sup>12</sup> Therefore, “Syria has formally renounced both first and retaliatory use of chemical or biological weapons against any State,” according to the Organization for the Prohibition of Chemical Weapons, which implements the CWC.<sup>13</sup> Syria has said that its ratification of the CWC (and BWC) is contingent on establishment of a zone free of weapons of mass destruction in the Middle East. Syrian Foreign Minister Walid Moallem stated during a July 29, 2012, press conference that Damascus supports the establishment of such a zone.<sup>14</sup>

## Current Chemical Weapons Program

“There is no doubt amongst the UK intelligence community that the Syrian regime possesses vast stockpiles” of chemical weapons, according to a British Parliamentary report published in July 2013.<sup>15</sup> Israel Defense Forces Deputy Chief of Staff Major-General Ya’ir Nave described Syria’s chemical weapons arsenal as “the largest in the world” during a June 2012 interview.<sup>16</sup> Damascus possesses mustard blister agent, sarin nerve agent, and VX nerve agent, according to official U.S. assessments.<sup>17</sup> According to a French intelligence report published on September 2, 2013, Syria

<sup>10</sup> *Implications of Soviet Use of Chemical and Toxin Weapons for U.S. Security Interests*, 1983.

<sup>11</sup> Telegram from Secretary of State to American Embassy Damascus, *Foreign Policy Export Controls on Chemical Weapon Precursors*, July 1985.

<sup>12</sup> Syria acceded with the reservation that accession did not represent recognition of the state of Israel, also a party.

<sup>13</sup> Damascus has signed, but not ratified, the Biological and Toxin Weapons Convention (BWC), which bans the development, production, and stockpiling of biological agents or toxins “of types and in quantities that have no justification for peaceful purposes.” Unlike Israel, Syria is party to the nuclear Non-Proliferation Treaty (NPT), although an Israeli military raid in 2007 is believed to have targeted a clandestine Syrian nuclear facility. The International Atomic Energy Agency continues to seek Syrian cooperation in answering questions related to nuclear activities in the country.

<sup>14</sup> “Syrian Foreign Minister Speaks Of Chemical Weapons, Iranian Support,” *Syrian TV Satellite Service*, July 29, 2012.

<sup>15</sup> *Intelligence and Security Committee of Parliament Annual Report 2012–2013*, July 10, 2013.

<sup>16</sup> “Israeli Army General Says Syria Has Largest Chemical Weapon Arsenal,” *Voice of Israel Network B*, June 11, 2012. Most of the world’s chemical weapons arsenals have been destroyed or are awaiting destruction under the Chemical Weapons Convention. The United States, Russia, Iraq, and Libya are in the process of destroying chemical weapons. India, South Korea, and Albania have completed destruction. Israel and Myanmar have signed but not ratified the CWC. The following countries have not signed the CWC: Angola, Egypt, North Korea, South Sudan, and Syria. *Unclassified Report to Congress on the Acquisition of Technology Relating to Weapons of Mass Destruction and Advanced Conventional Munitions, Covering 1 January to 31 December 2011* cites Iran, North Korea and Syria as having active chemical weapons programs.

<sup>17</sup> For effects of chemical agents, CRS Report R42862, *Chemical Weapons: A Summary Report of Characteristics and Effects*, by Dana A. Shea. Hearing of the Senate Armed Services Committee, *Worldwide Threats to U.S. National*



has more than 1,000 metric tons of chemical warfare agents and precursor chemicals.<sup>18</sup> This stockpile includes several hundred metric tons of sarin, which represents the bulk of Syria's chemical weapons stockpile. Syria also has several hundred metric tons of mustard agent in ready-to-use form and several tens of metric tons of VX. The sarin and VX are, in part, stored in binary form (see below for a description of binary chemical munitions). Syria is developing both another blister agent (nitrogen-based mustard) and a nerve agent more toxic than sarin.<sup>19</sup>

The country's chemical weapons and related facilities appear to be distributed throughout the country. U.S. Defense Department Press Secretary George Little told reporters on July 24, 2012, that Syria has "a really distributed network of [chemical weapons] stockpiles." Similarly, Director of National Intelligence James Clapper told the Senate Armed Services Committee on February 16, 2012, that Damascus has "an extensive network" of chemical weapons installations.

As noted, Syria has sought an independent chemical weapons production capability for some time. However, according to the ODNI report covering 2011, "Syria remains dependent on foreign sources for key elements" of its chemical weapons program, "including precursor chemicals."<sup>20</sup> Defense Intelligence Agency (DIA) Director Michael Flynn made a similar statement in April 2013 congressional testimony.<sup>21</sup> Precursor chemicals are generally dual-use chemicals with legitimate industrial uses that can be combined as feedstock to produce blister or nerve agents. Syria appears to lack the capacity to independently produce key precursors. The potency and effectiveness of Syrian chemical agents are unknown since precursor chemicals may degrade over time, but, as noted, Syria has used chemical weapons with some apparent effectiveness.

According to the ODNI report covering 2011, Syria's chemical weapons agents "can be delivered by aerial bombs, ballistic missiles, and artillery rockets."<sup>22</sup> It is worth noting that Syria has also been testing new methods of dispersing chemical agents, according to the September 2013 French intelligence report.

According to an August 30, 2013, White House statement, the government "has thousands of munitions that can be used to deliver chemical warfare agents" and "has the ability to strike simultaneously in multiple locations."<sup>23</sup> The September 2013 French intelligence report concurs that Syria has several thousand delivery vehicles. Regarding these delivery vehicles, public official U.S. assessments apparently only provide detailed information about Syria's ballistic

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*Security*, February 28, 2006, and State Department News Briefing, August 30, 2011. U.S. government officials and reports have stated that Syria was developing VX. (See then-Under Secretary of State Bolton, "Remarks on the Continuing Threat of Weapons of Mass Destruction," November 12, 2003; *Unclassified Report to Congress on the Acquisition of Technology Relating to Weapons of Mass Destruction and Advanced Conventional Munitions, Covering 1 January to 31 December 2006*; and Michael Flynn, Director, Defense Intelligence Agency, *Current and Future Worldwide Threats*, Senate Armed Services Committee Hearing, April 18, 2013.).

<sup>18</sup> *Synthèse Nationale De Renseignement Déclassifié Programme Chimique Syrien, Cas D'emploi Passés D'agents Chimiques Par Le Régime, Attaque Chimique Conduite Par Le Régime Le 21 Août 2013.*)

<sup>19</sup> *Ibid.*

<sup>20</sup> Then-Under Secretary of State for Arms Control and International Security Bolton told the House Committee on International Relations in June 2003 that Syria was "dependent on foreign sources" for "key production equipment," but whether that is still the case is unclear. See also Australia Group Plenary press release, June 2012, [http://www.australiagroup.net/en/media\\_june2012.html](http://www.australiagroup.net/en/media_june2012.html).

<sup>21</sup> Michael Flynn, April 18, 2013. Statement available at [http://www.armed-services.senate.gov/statemnt/2013/04%20April/Flynn\\_04-18-13.pdf](http://www.armed-services.senate.gov/statemnt/2013/04%20April/Flynn_04-18-13.pdf).

<sup>22</sup> *Unclassified Report to Congress Covering 2011.*

<sup>23</sup> *Government Assessment of the Syrian Government's Use of Chemical Weapons on August 21, 2013*, White House Office of the Press Secretary, August 30, 2013.

missiles. According to Flynn's testimony and a State Department report covering 2008, Syria possesses "several hundred" Scud B, Scud C, Scud D, and SS-21 short-range ballistic missiles (SRBMs),<sup>24</sup> all of which are mobile.<sup>25</sup> Past U.S. official reports have not been entirely clear regarding the composition of Syria's Scud missile inventory; a 2006 report from the National Air and Space Intelligence Center (NASIC) includes the Scud B, Scud C, Scud D, and SS-21 in Syria's SRBM inventory, but NASIC reports from 2009 and 2013 omit the Scud B and Scud C.<sup>26</sup>

An ODNI report to Congress covering 2006 indicates that Syria's Scud B, Scud C, and Scud D missiles, as well as its SS-21 missiles, "can employ" chemical warheads. But exactly which of these missiles are tasked with delivering chemical weapons is unclear. A 1988 U.S. assessment identifies Syria's Scud B missiles as delivery vehicles for chemical weapons. However, more recent U.S. government statements have been somewhat less precise. In June 2003, then-Under Secretary of State for Arms Control and International Security John Bolton told a House Committee on International Relations hearing that Syria "is believed to have chemical warheads available for a portion of its Scud missile force," but he did not specify which types of Scud missiles were assigned this mission. DIA Director Flynn made a similar statement in his April 2013 testimony.<sup>27</sup> While missile warheads can deliver non-persistent chemical agents such as sarin, persistent agents such as VX and blister are viewed by many chemical weapons experts as being more effectively employed by missile warheads than non-persistent agents.

The September 2013 French intelligence assessment provides more detail regarding Syria's ballistic missiles, specifying that Syria's Scud C missiles are capable of delivering sarin, VX, and mustard agent; the Scud B missiles are capable of delivering sarin and VX. Syria's SS-21 missiles are capable of delivering sarin, mustard agent, and VX, according to the report, which also identifies Syria's M600 missiles as capable of delivering sarin, mustard agent, and VX. Press reports have identified the M600 missile as a Syrian version of Iran's Fateh-110 SRBM.<sup>28</sup> Certain Syrian missiles can carry up to several hundred liters of chemical agents, the report says, though it does not identify which missiles have this capability.

A 1991 national intelligence estimate states that Syria had 500-kilogram aerial bombs containing sarin.<sup>29</sup> The September 2013 French intelligence report also states that Damascus has such weapons. Each bomb can deliver 100-300 liters of sarin, depending on the model, the report says.

<sup>24</sup> Defined as missiles having ranges under 1,000 kilometers.

<sup>25</sup> Flynn, April 18, 2013; *Report on the Proliferation of Missiles and Essential Components of Nuclear, Biological, Chemical and Radiological Weapons, January 1 – December 31, 2008*, Department of State, April 22, 2009. See also, *Ballistic and Cruise Missile Threat*, National Air and Space Intelligence Center, March 2006; *Ballistic and Cruise Missile Threat*, National Air and Space Intelligence Center, April 2009; *Ballistic and Cruise Missile Threat*, National Air and Space Intelligence Center, 2013; *Unclassified Report to Congress Covering 2011*. A 1991 National Intelligence Estimate stated that Syria had "about 300 Soviet-made Scuds with about a 300-km range" (Director of Central Intelligence, *Prospects for Special Weapons Proliferation and Control*, 1991).

<sup>26</sup> *Ballistic and Cruise Missile Threat*, 2006; *Ballistic and Cruise Missile Threat*, April 2009; *Ballistic and Cruise Missile Threat*, 2013.

<sup>27</sup> Flynn, April 18, 2013.

<sup>28</sup> Robert Wall, David A. Fulghum "Iran-North Korea Cooperation Deepens," *Aviation Week*, October 18, 2010; Nick Blanford, "Enemy at The Gates - Hizbullah Remains Focused on Conflict With Israel," *Jane's Intelligence Review*, March 1, 2013. Flynn testified in April 2013 that Syria possesses a "domestic version of the Iranian 600 mm Fateh-110 SRBM," which is a solid-fuel, road-mobile ballistic missile with a range of about 200 kilometers.

<sup>29</sup> Director of Central Intelligence, *Prospects for Special Weapons Proliferation and Control, National Intelligence Estimate: Volume II Annexes*, July 1991.

Syria could also use its batteries of BM-21 multiple rocket launchers, which can more reliably deliver ordnance to a targeted area.<sup>30</sup> According to the September 2013 French intelligence report, Syria has 302 and 320 mm artillery rockets with maximum ranges of 50 kilometers which can deliver sarin, mustard agent, and VX. Rocket launchers, when massed, can be used to rapidly achieve lethal doses of non-persistent agents in a concentrated area. While Scud missiles might be used for targeting a neighboring country, it is more likely that artillery rockets would be used on the battlefield against rebel forces. Indeed, Damascus has used artillery rockets in such a fashion, according to U.S. and French public assessments (see section on “Chemical Weapons Use and Potential Responses”). Syria possesses other tactical munitions which can deliver sarin at ranges of less than 50 km, the report says, but it does not specify further.

Well-known difficulties in the employment of chemical weapons include inability to control the gas cloud resulting from an attack, putting one's own troops at risk without proper protection; contaminating the area attacked for days and weeks, depending on the chemical agent and weather conditions; and uncertain delivery of a lethal dose of the agent (due to dissipation of agents into the atmosphere or volatility of the agent).<sup>31</sup>

Storage and munitions design could impact the length of time Syrian forces or other forces would have to deploy chemical weapons. Chemical munitions are either unitary or binary in design.<sup>32</sup> Unitary munitions are filled with the chemical agent at a central facility, while binary munitions include two separate canisters of precursor chemicals that combine either manually or automatically inside the weapon when launched. The exact composition of Syria's chemical munitions stockpile is not known from open sources, but a 1991 National Intelligence Estimate states that Damascus had developed binary Scud missile warheads and aerial bombs.<sup>33</sup> More recently, DIA Director Flynn testified in April 2013 that Syria's chemical weapons stockpile “includes either complete or binary components of sarin, mustard, and VX.”<sup>34</sup> If unitary munitions are employed, it is not known whether chemical agent is stored in bulk, or warheads are filled in advance. This process could take weeks to months for battlefield quantities and is considered a hazardous undertaking for troops involved in filling unitary chemical munitions, as well as those troops handling, transporting, and delivering them. If Syria used binary munitions, then the warheads could potentially be deployed immediately.<sup>35</sup> Press reports in early December 2012 quoted unnamed officials as saying that Syria had combined the precursor chemicals for sarin into warheads, but no officials have publicly confirmed that information.<sup>36</sup>

The Asad regime “views chemical weapons as one of many tools in its arsenal, including air power and ballistic missiles, which they indiscriminately use against the opposition,” the August 30, 2013, White House statement said. According to a French intelligence assessment published on September 2, 2013, the Asad government has adapted its chemical weapons munitions and tactics in order to achieve its goal of terrorizing the Syrian population.<sup>37</sup> Specifically, the regime

<sup>30</sup> Scott Steward, “The Specter of Syrian Chemical Weapons,” *Stratfor*, August 2, 2012.

<sup>31</sup> *Technologies Underlying Weapons of Mass Destruction*, Office of Technology Assessment, December 1993.

<sup>32</sup> *Ibid.*

<sup>33</sup> *Prospects for Special Weapons Proliferation and Control*, 1991.

<sup>34</sup> Flynn, April 18, 2013.

<sup>35</sup> “NBC Capabilities- Chemical, Syria: Key Facts,” *Jane's Nuclear, Biological and Chemical Defense*, July 24, 2012.

<sup>36</sup> “Exclusive: U.S. Sees Syria Prepping Chemical Weapons for Possible Attack,” *Danger Room*, Wired.com, December 3, 2012; “NATO Expected to Clear Turkey Missile Deployment,” *Agence France Presse*, December 4, 2012.

<sup>37</sup> *Synthèse Nationale De Renseignement Déclassifié Programme Chimique Syrien, Cas D'emploi Passés D'agents Chimiques Par Le Régime, Attaque Chimique Conduite Par Le Régime Le 21 Août 2013.*

has been using chemical weapons for localized and targeted purposes during the current civil conflict. The munitions contain lower amounts of chemical agents.

President Asad is “the ultimate decision maker for the chemical weapons program and members of the program are carefully vetted to ensure security and loyalty,” according to the U.S. assessment, which adds that the Syrian Scientific Studies and Research Center “manages Syria’s chemical weapons program.” The September 2013 French assessment concurs with this judgment.<sup>38</sup> The center “is subordinate to the Syrian Ministry of Defense,” according to the statement.<sup>39</sup> An element of the institute called Branch 450 is responsible for filling chemical weapons and for the security of chemical stocks. Press reports have identified Branch 450 (which is referred to as Unit 450 in English language news accounts) as the Syrian military organization which controls the country’s chemical weapons.<sup>40</sup>

## **Syrian Statements on Chemical and Biological Weapons**

In July, a Syrian official indicated that the government possesses chemical and biological weapons and may use them if attacked. During a July 23, 2012, press conference, Syrian Foreign Ministry Spokesperson Jihad Maqdisi stated that “[a]ny chemical or biological weapons will never be used ... in the Syrian crisis, no matter what the internal developments in this crisis are.” He explained that “[a]ll varieties of these weapons are stored and secured by the Syrian armed forces and under its direct supervision, and will not be used unless Syria is subjected to external aggression.”<sup>41</sup>

Subsequent statements from Syrian officials have tried to walk back this statement, indicating that the country does not have chemical or biological weapons. Information Minister Imran al-Zubi said in a July 23, 2012, interview that Maqdisi’s statement described above did not constitute an admission of chemical weapons possession, arguing that the statement was a response to accusations that Syria possesses such weapons.<sup>42</sup> Asked during a July 29, 2012, press conference whether Syria possesses chemical weapons, Syrian Foreign Minister al-Mu'allim observed that Israel possesses nuclear weapons, “regardless of whether we have or do not have” chemical weapons.<sup>43</sup> He was similarly ambiguous during a television interview broadcast on October 1, 2012.<sup>44</sup> Syria’s Information Minister Umran Ahid al-Zabi denied in an April 26, 2013, interview that Syria had used chemical weapons and repeated the regime’s claim that Damascus does not possess such weapons.<sup>45</sup> He also stated that Syria does not possess biological weapons.

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<sup>38</sup> *Ibid.*

<sup>39</sup> *Government Assessment of the Syrian Government’s Use of Chemical Weapons*, August 30, 2013.

<sup>40</sup> David E. Sanger and Eric Schmitt, “Allies’ Intelligence Differs on Details, but Still Points to Assad Forces,” *New York Times*, September 3, 2013; Adam Entous and Julian E. Barnes, “U.S. Fears Syria Rebel Victory, For Now,” *Wall Street Journal*, April 16, 2013.

<sup>41</sup> “Syrian Spokesman Says No Chemical Weapons to be Used During Crisis,” *Syrian TV Satellite Service*, July 23, 2012.

<sup>42</sup> “Information Minister: Foreign Media and Diplomatic Misconstrued Foreign Ministry Statement and Put ...” *SANA News Agency*, July 24, 2012.

<sup>43</sup> *Syrian TV Satellite Service*, July 29, 2012.

<sup>44</sup> “Syria: Foreign Minister Al-Mu'allim Says ‘Security Solution Was Imposed on Us’,” *Al-Mayadin Satellite Channel*, October 1, 2012.

<sup>45</sup> “Syrian Minister Says Army Did Not Use Chemical Weapons, Warns of Iraqi Scenario,” *Interfax*, April 26, 2013.

President Asad stated in a newspaper interview published June 17, 2013, by the state-run Syrian news agency that “we have never confirmed or denied the possession” of chemical weapons.<sup>46</sup>

On December 3, 2012, the Syrian Foreign Ministry stated that “Syria has stressed repeatedly that it will not use these types of weapons, if they were available, under any circumstances against its people.”<sup>47</sup> Information Minister al-Zabi stated in late April 2013 that Syria would not use chemical weapons against Israel, even in the case of armed conflict between the two countries.<sup>48</sup> President Asad denied the allegations of Syrian chemical weapons use (discussed below) in the June 2013 interview.<sup>49</sup> Syrian Deputy Foreign Minister Faisal Mekdad denied that the government had carried out the August 21, 2013, attacks (discussed below) in an interview with the Associated Press.<sup>50</sup>

On September 10, Syrian Foreign Minister Walid Moallem admitted to the arsenal by saying, “We are ready to reveal the locations of the chemical weapon sites and to stop producing chemical weapons and make these sites available for inspection by representatives of Russia, other countries and the United Nations.”<sup>51</sup> On September 12, 2013, the Syrian government acceded to the Chemical Weapons Convention, and on September 20, 2013, it submitted an initial declaration of all its chemical weapons stocks and production facilities.

## Chemical Weapons Security

In the past, the United States has discussed chemical weapons security with Damascus; State Department spokesperson Victoria Nuland told reporters February 10, 2012, that “for many years we've had a dialogue with Syria about the importance of security and safety of these weapons.” Officials from the Obama Administration and other governments have expressed concern regarding the security of Syria's chemical weapons, but U.S. officials have unanimously stated that the weapons stockpiles are secure. For example, former White House spokesperson Tommy Vietor stated on July 21, 2012, that the Obama Administration is “very concerned” about Syria's chemical weapons, but also noted that “[w]e believe Syria's chemical weapons stockpile remains under Syrian government control.”<sup>52</sup> The United States is monitoring Syrian chemical weapons stockpiles, Vietor added. Then-Secretary of Defense Leon Panetta stated during a September 28, 2012, press briefing that Damascus has moved some chemicals in order to secure them better, adding that the country's “main sites ... still remain secure.” Press reports of the movement of chemical weapons again appeared in early December 2012. According to Director of National Intelligence James Clapper's March 12, 2013, testimony before the Senate Select Committee on Intelligence, “groups or individuals in Syria could gain access to [chemical weapons]-related materials.” The United States continues to assess that the “Assad [sic] regime maintains control” of the government's chemical weapons, according to a June 13, 2013, statement from Deputy National Security Advisor for Strategic Communications Ben Rhodes.

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<sup>46</sup> “Al-Asad Says Chemical Weapons Accusations ‘Pretext’ For Intervention in Syria,” *SANA News Agency*, June 17, 2013.

<sup>47</sup> “Obama Warns Syria Amid Rising Concern Over Chemical Weapons,” *The Washington Post*, December 3, 2012.

<sup>48</sup> “Syrian Troops Won't Use Chemicals For Moral Reasons—Information Minister,” *Interfax*, April 24, 2013.

<sup>49</sup> *SANA News Agency*, June 17, 2013.

<sup>50</sup> Lee Keath, “AP Interview: Official Says Syria to Defend Itself,” *Associated Press Online*, August 26, 2013.

<sup>51</sup> “In Shift, Syrian Official Admits Government has Chemical Arms,” *The New York Times*, September 11, 2013.

<sup>52</sup> “U.S. Says Closely Monitoring Syria Chemical Weapons,” *Reuters*, July 21, 2012.



Officials from other governments have expressed concern about Syria's chemical weapons security while acknowledging that, for the time being, the weapons are secure. Israeli Vice Prime Minister and Strategic Affairs Minister Moshe Ya'alon stated in June 2012 that "[at] this stage, the Syrian regime has firm control over the chemical weapons arsenal."<sup>53</sup> Russian Deputy Foreign Minister Sergey Ryabkov stated in an interview published September 6, 2012, that "[w]e are fully sure—and we have official confirmation from Damascus on this—that the government of this country is taking all necessary measures to ensure the security of its chemical stockpile."<sup>54</sup> More recently, British Defense Secretary Philip Hammond told reporters on May 2, 2013, that the Syrian government "is largely in control of its chemical weapons, principal chemical weapons sites ... there is no evidence that the regime has lost control of significant chemical weapon sites yet." According to a British intelligence assessment published August 29, 2013, a "number" of Syrian opposition groups "continue to seek a [chemical weapons] capability."<sup>55</sup>

Obama Administration officials have indicated that the United States has been working with other regional governments, including Israel, to ensure the security of Syria's chemical weapons.<sup>56</sup> During a July 29, 2012, press briefing, then-Secretary of Defense Panetta identified Jordan, Turkey, and "other allies in the region" as partners in this effort.

U.S. and British officials have claimed that their governments generally know the locations of Syria's chemical weapons. British Defense Secretary Hammond stated on May 2, 2013, that "I think we have a great deal of knowledge of location of chemical weapons," although he added that "[t]hat is not the same as saying that I can put my hand on my heart and say we know where every last item is." Deputy National Security Advisor Rhodes stated during a June 17, 2013, press briefing that

while we can't say with certainty that we are aware of where every chemical weapons munitions [sic] is in the country, this is something we devote a lot of attention and resources to and we feel like we have a sense of both the fact of the regime controlling these chemical weapons stockpiles and some sense of where they are generally.

## Chemical Weapons Use and Potential Responses

### Pre-August 2013 Uses

According to officials from France, Israel, the United Kingdom, and the United States, there is evidence that the Syrian government has used sarin nerve agent against opposition forces in the country. Over time, official statements on this issue expressed increasing certainty that chemical weapons have been used. White House Press Secretary Jay Carney stated on December 3, 2012, that the Obama Administration has "increased concern about the possibility of the [Asad] regime taking the desperate act of using its chemical weapons." Major General Aviv Kochavi, the head of Israeli military intelligence, has stated that Syria is preparing to use its chemical weapons, according to press reports.<sup>57</sup> British intelligence indicated in January 2013 that Syria may have a

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<sup>53</sup> "Asad Retains Control of Syria Chemical Arms—Israel," *Reuters*, June 12, 2012.

<sup>54</sup> "Russia Sure That Syria Will Not Use Chemical Weapons—Senior Diplomat," *Interfax*, September 6, 2012.

<sup>55</sup> *Syria: Reported Chemical Weapons Use*, Chairman of the Joint Intelligence Committee, August 29, 2013.

<sup>56</sup> Carol E. Lee and Adam Entous, "Obama Warns Syria on Chemical Weapons—President Threatens Military Response Against Any Use of the Banned Arms," *The Wall Street Journal*, August 21, 2012.

<sup>57</sup> Gili Cohen, "Assad Preparing to Use Chemical Arms, Says Israel's Military Intel Chief," *Haaretz*, March 14, 2013.

low threshold for using chemical weapons.<sup>58</sup> Director of National Intelligence James Clapper told the Senate Armed Services Committee on April 18, 2013, that the “increasingly beleaguered regime, having found that its escalation of violence through conventional means is not working, appears quite willing to use chemical weapons against its own people.”

Allegations that chemical weapons have been used in the conflict again surfaced on March 19, 2013. Both sides of the conflict claim that chemical weapons were used by the other side against civilians in the village of Khan al-Assal (near Aleppo). Some press reports have said they were delivered with rockets and may have carried chlorine.<sup>59</sup> The Syrian government officially requested that the United Nations Secretary General Ban Ki-moon investigate its allegations that opposition forces used chemical weapons at Khan al-Assal (Aleppo area) on March 19. The opposition claims that the Assad regime also used chemical weapons in other recent attacks (including near Damascus). The United Kingdom and France sent letters to the U.N. Secretary General in late March that reportedly provided evidence based on witness interviews and soil samples that chemical weapons were used on multiple occasions, but the letters have not been made public. Press reports said the letters claimed that chemical weapons had been used on three occasions: March 19 in Khan al-Assal and in Ataybah, as well as December 23 in Homs.<sup>60</sup>

According to letters sent April 25, 2013, to Senators John McCain and Carl Levin by Miguel Rodriguez, Assistant to the President and Director of the Office of Legislative Affairs, the U.S. intelligence community assessed “with varying degrees of confidence that the Syrian regime has used chemical weapons on a small scale in Syria, specifically the chemical agent sarin.” The Assad regime, rather than opposition forces, would “very likely” have initiated any chemical weapons use, Rodriguez wrote. A White House official explained during an April 25, 2013, background briefing that U.S. intelligence on Syrian chemical weapons use is “based on a mosaic of information,” which needs to be corroborated via further investigation. “[W]e are continuing to do further work to establish a definitive judgment as to whether or not the red line has been crossed and to inform our decision-making about what to do next,” the official added. The April 25 letters explained that physical evidence has contributed to the intelligence assessment described above. But uncertainty concerning the “chain of custody” of this evidence precluded the intelligence community from confirming “how the exposure occurred and under what conditions,” Rodriguez wrote. Secretary of State John Kerry stated May 28, 2013, that the United States has “evidence” of Syrian chemical weapons use,” but added that “it’s an intelligence community assessment. Assessments are not evidence that you’re prepared to take to the world.”

However, on June 13, 2013, the White House released a statement by Deputy National Security Advisor Rhodes saying that, after further investigation,

our intelligence community assesses that the Assad regime has used chemical weapons, including the nerve agent sarin, on a small scale against the opposition multiple times in the last year. Our intelligence community has high confidence in that assessment given multiple, independent streams of information.

The statement said these sources of information included reporting about Syrian military attack planning and execution, descriptions of attacks, physiological symptoms consistent with exposure to chemical weapons agents, and analysis of physiological samples “which revealed exposure to sarin.” Positive results from such samples, however, do not indicate “how or where the

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<sup>58</sup> *Intelligence and Security Committee of Parliament Annual Report 2012–2013*.

<sup>59</sup> Aryn Baker, “Syria’s Civil War: The Mystery Behind a Deadly Chemical Attack,” *Time.com*, April 1, 2013.

<sup>60</sup> Edith Lederer, “Evidence of Chemical Weapons Use Reported,” *Associated Press*, April 18, 2013.



individuals were exposed or who was responsible for the dissemination,” Rhodes added. Chemical weapons use had resulted in an estimated 100-150 deaths in Syria, the statement said.

Rhodes explained the evolution in the U.S. assessment during a June 17, 2013, press briefing:

In terms of the time from April, essentially what we had in April was an initial intelligence assessment, and the President’s direction was to continue to investigate additional corroborating facts and information so that we could raise our confidence level. Because that was not a high-confidence assessment and we didn’t feel like we had enough corroborated information to reach that high degree of confidence that this red line had been crossed.

What’s been done in the course of the last several weeks is we’ve been able to piece together a broader information picture—so you’re able to take, for instance, an assessed incident of chemical weapons use, you’re able to receive reporting from individuals who were there on the ground. We were able to review physiological samples that have been collected at the site. We were able to review open source reporting from social media and other things that speak to the use of chemical weapons in an area. And we were able to review our own intelligence reporting, which obviously covers a range of different means.

In piecing together that information picture, the intelligence community is able to increase its confidence level. And so that’s what led to the announcement yesterday. It was driven by the firming up of this assessment over the course of the last several weeks, which the President had asked for after the announcement we made in April.

None of the U.S. statements concerning the June 13 assessment appear to address the chain of custody issue cited above.

According to an August 30, 2013, White House statement, the United States assesses that Syria “has used chemical weapons on a small scale against the opposition multiple times in the last year”—an assessment “based on multiple streams of information including reporting of Syrian officials planning and executing chemical weapons attacks and laboratory analysis of physiological samples obtained from a number of individuals, which revealed exposure to sarin.”<sup>61</sup> The Syrian government “has used chemical weapons over the last year primarily to gain the upper hand or break a stalemate in areas where it has struggled to seize and hold strategically valuable territory,” according to the statement.

The United Kingdom and France have also argued that Syria has used chemical weapons. A British Foreign Office spokesperson stated April 25, 2013, that the United Kingdom has “limited but persuasive information from various sources showing chemical weapon use in Syria, including sarin.”<sup>62</sup> More recently, British Foreign Secretary William Hague stated on June 14, 2013, that the United Kingdom “agree[s] with the US assessment that chemical weapons, including sarin, have been used in Syria by the Assad regime.” Prior to the August 21, 2013, attack discussed below, the Syrian government used chemical weapons “on at least 14 occasions,” according to a British intelligence assessment published August 29, 2013.<sup>63</sup>

Regarding the possible use of chemical weapons by opposition groups in Syria, a British government spokesperson stated on June 5, 2013, that “chemical weapons use in Syria is very likely to have been by the regime ... we have no evidence to date of opposition use.”<sup>64</sup>

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<sup>61</sup> *Government Assessment of the Syrian Government’s Use of Chemical Weapons*, August 30, 2013.

<sup>62</sup> “UK Has Evidence of Chemical Weapon Use in Syria: Foreign Office,” *Agence France Presse*, April 25, 2013.

<sup>63</sup> *Syria: Reported Chemical Weapons Use*, Chairman of the Joint Intelligence Committee, August 29, 2013.

<sup>64</sup> “Britain Says Samples from Syria Test Positive for Sarin,” *Agence France Presse*, June 5, 2013.

A French Ministry of Foreign Affairs spokesperson stated on April 26, 2013, that “there were indications” that the Syrian government has used chemical weapons, but added that the government lacks “irrefutable evidence” of such use. However, French Foreign Minister Laurent Fabius stated June 4, 2013, that “France is now certain that sarin gas has been used in Syria several times and in a localized manner.” Elaborating on this claim during a June 14, 2013, press briefing, a French Ministry of Foreign Affairs spokesperson told reporters that the Syrian government had “sprayed sarin by helicopter.” The spokesperson also commented on possible use of chemical weapons by opposition groups in Syria, explaining that “[n]ot only is there nothing to indicate that the opposition might have used such weapons, everything leads us to think that that isn’t the case.” Regarding the chain of custody issue, a French Foreign Ministry spokesperson told reporters on June 7, 2013, that, for one set of blood and urine samples taken from Syria, the French government “know[s] where and how it was taken; how it was transported; and how it was analyzed. In other words, we are certain about the soundness of the entire test chain: from when the sample was taken to the analysis.” The other set of samples “made it possible to conclude that sarin was used, however, not to attribute it to the Syrian regime and it was not transported in optimal conditions,” the spokesperson explained. According to a French intelligence assessment published on September 2, 2013, the Syrian government may also have conducted attacks with chemicals normally used for non-chemical weapons purposes.

Michael Oren, Israel’s ambassador to the United States, stated during an April 28, 2013, television interview that an Israeli military “assessment looks like there’s a high probability of usage,” but added that the assessment is not “definitive proof.”<sup>65</sup>

For its part, Russia has expressed skepticism regarding the assessments described above. Russian Foreign Minister Sergey Lavrov explained during a June 20, 2013, television interview that “we have found nothing which would hold water” in the evidence of Syrian chemical weapons use presented to Moscow by representatives of France, the United Kingdom, and the United States. Lavrov had previously argued during a June 15 press conference that using chemical weapons “in such small amounts ... is senseless from a military point of view.”

Moscow, however, has asserted that opposition fighters in Syria have used chemical weapons. Russian ambassador to the United Nations Vitaliy Churkin told reporters on July 9, 2013, that, according to Russian experts’ analysis, only “fighters of the armed opposition” used chemical weapons at the Khal al-Assal site, explaining that the weapons used an explosive that is “not usually used in the production of standard [chemical] munitions.”<sup>66</sup> Lavrov provided additional details of this assessment during a July 10, 2013, press briefing, explaining that “characteristics of the missile and sarin gas” used at the site “do not meet standards used in industrial production” and adding that “the missile and the mentioned substance were made in February in the territory of Syria,” which at the time was under control of a group affiliated with the Free Syrian Army. Lavrov also indicated that Russia has avoided the chain of custody issue because Russian experts took samples from the Syrian site and analyzed them. U.S. and British officials responded that there is no evidence that any opposition groups possess chemical weapons or have used such weapons.<sup>67</sup> A Free Syrian Army spokesperson denied the Russian charges.<sup>68</sup>

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<sup>65</sup> Interview with Michael Oren, *Fox News Sunday*, April 28, 2013.

<sup>66</sup> “Russian Envoy Says Damascus, Not U.N., Must Decide on Syria Chemical Arms Mission,” *Interfax News Agency*, July 11, 2013.

<sup>67</sup> “Russia Claims Syria Rebels Used Sarin at Khan al-Assal,” *BBC News*, July 9, 2013; Daily Briefing by Press Secretary Jay Carney, July 9, 2013.

<sup>68</sup> Louis Charbonneau, “UPDATE 2-Syria Opposition Denies Russian Chemical Attack Allegation,” *Reuters*, July 10,

Russian statements have reiterated this skepticism. For example, Lavrov stated on September 2 that British, French, and U.S. intelligence evidence regarding chemical weapons use by the Syrian government “does not convince us at all.”<sup>69</sup> He also argued during an August 26, 2013, press conference that it would have been illogical for the Syrian government to use chemical weapons while U.N. inspectors were in the country.

Past statements from other governments have also expressed uncertainty regarding claims of Syrian chemical weapons use. For example, the G8 did not confirm the use of chemical weapons, but instead condemned “any use of chemical weapons in Syria” in a June 18, 2013, statement. Moreover, a June 22, 2013, statement from the Friends of Syria Core Group referred to the “reported use” of chemical weapons by the regime.<sup>70</sup>

## **August 21, 2013, Attack**

Public intelligence assessments issued by the United Kingdom and the United States on August 29 and August 30, 2013, respectively, stated that the Syrian government used chemical weapons on August 21 against opposition forces outside of Damascus.<sup>71</sup> A U.S. team investigating chemical weapons use in Syria was in the country at the time. The regime used rockets to deliver nerve agent. An unclassified French intelligence report published on September 2, 2013, also concluded that the government launched such an attack.<sup>72</sup> The attack killed 1,429 people, according to the U.S. assessment. The UK assessment put the number of fatalities at “at least 350.” French intelligence has concluded, on the basis of video evidence, that the attack killed at least 281 people. However, models used by French intelligence are consistent with other estimates of approximately 1,500 fatalities.<sup>73</sup> The French report also suggests that the August 21 attack demonstrated that the Syrian government has deliberately crossed a threshold to large-scale chemical weapons use. Moreover, the French government has information suggesting that Damascus may undertake similar attacks in the future, the report says.

The United States has concluded that “regime officials were witting of and directed the attack on August 21,” according to the White House statement, which explained that “Syrian chemical weapons personnel ... were preparing chemical munitions prior to the attack.” Although the United States intercepted communications “involving a senior official intimately familiar with the offensive” which “confirmed that chemical weapons were used by the regime,” whether the Syrian leadership directed the attack is unclear. Noting the lack of an “obvious political or military trigger for regime use of [chemical weapons] on an apparently larger scale now, particularly given the current presence in Syria of the U.N. investigation team,” the British assessment states that permission to authorize the use of chemical weapons “has probably been

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<sup>69</sup> “Lavrov Considers U.S. Data on Chemical Weapons Use in Syria Inconclusive,” *Itar-Tass*, September 2, 2013.

<sup>70</sup> Available at <https://www.gov.uk/government/news/friends-of-syria-core-group-final-communique>. The statement was issued by the Foreign Ministers of Qatar, Saudi Arabia, the United Arab Emirates, Jordan, Egypt, Turkey, the United Kingdom, Germany, France, Italy, and the United States.

<sup>71</sup> *Government Assessment of the Syrian Government's Use of Chemical Weapons on August 21, 2013*, White House Office of the Press Secretary, August 30, 2013; *Syria: Reported Chemical Weapons Use*, Chairman of the Joint Intelligence Committee, August 29, 2013.

<sup>72</sup> *Synthèse Nationale De Renseignement Déclassifié Programme Chimique Syrien, Cas D'emploi Passés D'agents Chimiques Par Le Régime, Attaque Chimique Conduite Par Le Régime Le 21 Août 2013*. The English language version is titled *Syria/Syrian Chemical Programme – National Executive Summary Of Declassified Intelligence: Assessment of Syria's Chemical Warfare Programme; Cases of Previous Use of Chemical Agents by the Syrian Regime Chemical Attack Launched by the Regime on Aug 21*.

<sup>73</sup> *Synthèse Nationale De Renseignement Déclassifié Programme Chimique Syrien*.

delegated by President Asad to senior regime commanders.” Any “deliberate change in the scale and nature of use would require his authorisation,” according to the assessment. The French report does not identify any regime officials or institutions as initiators of the attack, but it does say that only Asad and certain influential members of this clan are empowered to order the use of chemical weapons. Such orders are transmitted to the relevant Syrian Scientific Studies and Research Center organizational elements, as well as the armed forces commands, which determine the targets and weapons to use.

Opposition forces in Syria did not carry out the attack, according to the three assessments. “[T]he scenario in which the opposition executed the attack on August 21 is highly unlikely,” according to the August 30 White House statement, which explains that “the Syrian opposition does not have the capability to fabricate all of the videos, physical symptoms verified by medical personnel and NGOs, and other information associated with this chemical attack.” The opposition forces also do not have a history of using chemical weapons, the statement says. President Obama stated during an August 28, 2013, television interview that the United States does not believe that “given the delivery systems, using rockets, that the opposition could have carried out these attacks.” Similarly, the British assessment asserts that no opposition group “currently has the capability to conduct a [chemical weapons] attack on this scale.” The September 2013 French report says that no group within the Syrian opposition forces is currently able to stockpile and use chemical weapons on the scale and in the manner of the August 21 attack, which was conducted in a military fashion and included the use of “conventional air and artillery bombardments,” as well as a ground offensive. Syrian opposition forces probably could not have fabricated evidence of the August 21 attack, according to the same report. The evidence includes victim testimony, multiple videos, and affected children at eight different locations.

## **U.N. Investigation**

As noted, the Syrian government initially called for a U.N. investigation of what Damascus said was chemical weapons use by opposition forces on March 19, 2013. The U.N. wanted the ability to investigate beyond the site where those attacks allegedly took place, but, according to press reports, the Syrian government wanted to limit the investigation to the March 19 incident and select the members of the inspection team.<sup>74</sup> The U.N. and Syria ultimately agreed in late July 2013 on procedures for the inspections. The U.N. inspectors arrived in Syria on August 18 and left on August 31. The U.N. Secretary General appointed Ake Sellstrom to lead the inspection team, which will try to determine whether chemical weapons were used, but not who used them.<sup>75</sup> The U.N. is also cooperating with the Organization for the Prohibition of Chemical Weapons in the investigation.

During an April 26, 2013, press briefing, U.N. spokesperson Martin Nesirky explained that the U.N. investigators need “swift access and unfettered access” to the relevant Syrian sites, noting the “risk that the evidence can deteriorate over time when you are talking about possible chemical weapons,” but U.N. spokesperson John Ennis stated in June 2013 that, despite the possible deterioration of chemical agents, “[t]here are a range of possible on-site activities extending beyond the collection of environmental samples, which still could provide information on

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<sup>74</sup> “Syria Yet to Accept U.N. Demand for Full Access in Chemical Attack Inquiry,” *Global Security Newswire*, April 5, 2013.

<sup>75</sup> The Secretary-General’s Mechanism for Investigation of Alleged Use of Chemical and Biological Weapons allows only for an investigation of the possible use of such weapons.

whether or not chemical weapons were used.”<sup>76</sup> The British intelligence assessment published August 29, 2013, also addressed this subject, explaining that

[t]here is no immediate time limit over which environmental or physiological samples would have degraded beyond usefulness. However, the longer it takes inspectors to gain access to the affected sites, the more difficult it will be to establish the chain of evidence beyond a reasonable doubt.<sup>77</sup>

France, the United Kingdom, and the United States all expressed support for the investigation and reiterated support for the investigation after the June 13, 2013, U.S. assessment. According to Rhodes’s June 13 statement, the United States intended to send a letter to the U.N. Secretary General describing “our updated intelligence assessment and specific incidents of alleged chemical weapons use.” Secretary General Ban confirmed on June 14, 2013, that his office had received the letter. As noted, the United Kingdom and France have sent similar letters to the Secretary General. The Russian government has also submitted a “technical analysis” regarding the possible use of chemical weapons in Syria, Nesirky stated on July 12, 2013.

The June 18, 2013, G8 statement called on

all parties to the conflict to allow access to the U.N. investigating team mandated by the U.N. Secretary-General, and drawing on the expertise of the Organisation for the Prohibition of Chemical Weapons (OPCW) and World Health Organisation (WHO), in order to conduct an objective investigation into reports of use of chemical weapons. The U.N. team should make their report and deliver it to the U.N. Security Council for their assessment.<sup>78</sup>

Sellestrom and U.N. High Representative for Disarmament Affairs Angela Kane met with Syrian officials in Damascus at the government’s invitation on July 24 and 25, 2013. According to a joint statement, the two sides had “thorough and productive” discussions regarding the U.N. investigation, which “led to an agreement on the way forward.” The statement provided no additional detail, but the inspectors arrived in Syria on August 18 and began working the next day.

Nesirky stated August that, in addition to Sellestrom, the team would “consist of about 10 experts from the Organisation for the Prohibition of Chemical Weapons and the World Health Organization.” The team planned to visit the Khal al-Assal site, as well as two other locations that the U.N. is keeping confidential “as a safety and security precaution.” A spokesperson for U.N. Secretary-General Moon stated August 14, 2013, that the inspection team would “remain in the country to conduct its activities, including on-site visits, for a period of up to 14 days, extendable upon mutual consent.” Ban stated August 19, 2013, that the inspectors “must have ... access to the reported sites to undertake the necessary analyses and to collect samples.” The team’s work would also include “interviews and examination of witnesses, victims, attending medical personnel as well as the conduct of post-mortem examinations,” he added. Syrian Deputy Foreign Minister Mekdad stated that the government would “fully cooperate” with the inspection team and “provide it with all information we have and all facilities to reach a rational conclusion,” the Associated Press reported.<sup>79</sup>

<sup>76</sup> Kelsey Davenport and Daniel Horner, “U.S. Says Chemical Weapons Used in Syria,” *Arms Control Today*, July/August 2013.

<sup>77</sup> *Syria: Reported Chemical Weapons Use*, Chairman of the Joint Intelligence Committee, August 29, 2013.

<sup>78</sup> Available at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/207771/Lough\\_Erne\\_2013\\_G8\\_Leaders\\_Communique.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/207771/Lough_Erne_2013_G8_Leaders_Communique.pdf).

<sup>79</sup> Albert Aji, “U.N. Chemical Arms Experts Arrive in Syrian Capital,” *The Associated Press*, August 18, 2013.



On August 22, the United Nations issued an oral request to the Syrian government for permission to investigate the August 21 chemical weapons attack near Damascus described above. U.N. High Representative for Disarmament Affairs Angela Kane delivered a letter with the request on August 24; Syria subsequently granted the inspectors permission to visit the site. U.N. Spokesperson Nesirky told reporters on August 30 that “the team has completed its collection of samples and evidence relating to” the attack. The inspectors left Syria on August 31; Secretary General Ban received a briefing about their work on the same day.

U.N. spokesperson Farhan Haq told reporters August 29, 2013, that the inspectors had “collected a considerable amount of evidence, evidence through samples, evidence through witness interviews.” The spokesperson also explained that the inspection team would transfer the material that it had gathered to several laboratories in Europe for testing.<sup>80</sup> Some inspectors “will be on hand for all the various deliveries to the various laboratory sites to ensure the chain of custody of the evidence that they have collected,” Haq added. The samples were shipped to the laboratories on September 2. The laboratory analysis will “take longer than days, but it is the clear intention of the investigation team to finish its work as soon as it possibly can,” Haq said.<sup>81</sup> The final analyses are to be reported to Secretary General Ban, who will share the results with the Security Council and other U.N. member states, a U.N. spokesperson said September 2. His report is to contain all of the evidence that the U.N. has gathered, including witness statements.

On August 30, Secretary Kerry raised questions regarding the inspections’ effectiveness, stating that the Syrian government had “shelled the neighborhood” where the August 21 attack occurred “in order to destroy evidence.” The inspectors’ access “was restricted and controlled,” he added. Asked about this statement during a September 1 press briefing, Nesirky replied that “while in the country, the mission was able to access all locations it had identified as priority sites. And it was able to conduct the fact-finding activities it deemed necessary.”

Regarding Khan al-Asal and the two other sites, Haq explained August 29 that “the team was able to do some preliminary work,” but was “not able to conduct on-site visits.” The team had turned its attention to the August 21 attack because Ban “had asked them to look into that one as a matter of priority,” Haq stated, adding that the inspectors “intend still in due course to look into those other incidents.”

Secretary General Ban has received a written request from the Syrian government to investigate what Damascus described as additional chemical attacks by Syrian opposition forces, Haq said August 29, adding that any such reports “will be given serious consideration.” U.N. inspectors visited a Syrian military hospital on August 30 to collect information regarding the government’s allegations.

The U.N. Mission to Investigate Allegations of the Use of Chemical Weapons in the Syrian Arab Republic released its report on September 16. Based on its investigation on the ground in Syria, the inspection team concluded that surface-to-surface rockets containing the nerve agent sarin were used in the Ghouta area of Damascus against civilians on a “relatively large scale.”<sup>82</sup>

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<sup>80</sup> None of the laboratories are in France, Russia, or the United Kingdom, a U.N. spokesperson explained August 30, 2013

<sup>81</sup> Investigation guidelines are available at [http://www.un.org/disarmament/WMD/Secretary-General\\_Mechanism/](http://www.un.org/disarmament/WMD/Secretary-General_Mechanism/).

<sup>82</sup> Report of the United Nations Mission to Investigate Allegations of the Use of Chemical Weapons in the Syrian Arab Republic on the alleged use of chemical weapons in the Ghouta area of Damascus on 21 August 2013, United Nations Document A/67/997–S/2013/553.

## Possible Responses to CW Use

The allegations of use raise the question of the U.S. “red line.” The White House has suggested that the United States might respond to the Syrian government’s use or loss of control of chemical weapons with military force. Carney told reporters on July 22, 2012, that “the international community will hold accountable any Syrian officials” who fail to keep the country’s chemical weapons under governmental control, but he would not specify possible actions to ensure accountability. President Barack Obama, after noting during an August 20, 2012, press briefing that he had not yet “ordered military engagement” in Syria, suggested that he may do so if Damascus used or lost control of its chemical weapons:

We cannot have a situation where chemical or biological weapons are falling into the hands of the wrong people. We have been very clear to the Asad regime, but also to other players on the ground, that a red line for us is we start seeing a whole bunch of chemical weapons moving around or being utilized. That would change my calculus.

Secretary of Defense Chuck Hagel reiterated this policy to the Senate Armed Services Committee on April 18, 2013, that, “President Obama has made clear that if Assad and those under his command use chemical weapons or fail to meet their obligations to secure them, there will be consequences and they will be held accountable.” Secretary Hagel also said there were “plans in place to respond to the full range of chemical weapon scenarios.”

Reiterating previous statements on the matter, President Obama told reporters on April 26, 2013, that Syrian use of chemical weapons “crosses a line that will change my calculus and how the United States approaches these issues.” According to the April 25, 2013, letters to Congress,

the administration is prepared for all contingencies so that we can respond appropriately to any confirmed use of chemical weapons, consistent with our national interests. The United States and the international community have a number of potential responses available, and no option is off the table.

Asked during the April 25, 2013, background briefing cited above about the range of potential U.S. responses to Syrian use of chemical weapons, the White House official stated that such a response “could run a broad spectrum of activity across our various lines of effort in Syria,” citing U.S. diplomatic initiatives, nonlethal assistance to opposition groups in Syria, and humanitarian assistance.

The June 13, 2013, White House statement said, “[t]he President has said that the use of chemical weapons would change his calculus, and it has.” The statement announced a qualitative change in assistance to the opposition:

Following on the credible evidence that the regime has used chemical weapons against the Syrian people, the President has augmented the provision of non-lethal assistance to the civilian opposition, and also authorized the expansion of our assistance to the Supreme Military Council (SMC).

The Administration stated that the use of chemical weapons by Syria had led to an increase in “the scope and scale of assistance” that it will provide to the opposition.

A July 19, 2013, letter from General Martin Dempsey, Chairman of the Joint Chiefs of Staff, to Senator Carl Levin described an option for using military force “to prevent the use or proliferation” of Syrian chemical weapons. Such an operation would include “destroying portions of Syria’s massive stockpile, interdicting its movement and delivery, or ... seizing and securing program components.” This option “would call for a no-fly zone as well as air and missile strikes involving hundreds of aircraft, ships, submarines, and other enablers,” Dempsey wrote, adding that “[t]housands of special operations forces and other ground forces would be needed to assault



and secure critical sites.” The operation would result in the “control of some, but not all chemical weapons” and “would also help prevent their further proliferation into the hands of extremist groups,” the letter said. Dempsey concluded his description of this option by noting that the “inability” of the United States “to fully control Syria’s storage and delivery systems could allow extremists to gain better access.”

President Obama stated during an August 28, 2013, television interview that “the international norm against the use of chemical weapons needs to be kept in place ... we do have to make sure that when countries break international norms on weapons like chemical weapons that could threaten us, that they are held accountable.” During that interview, the President said that he had not made a decision regarding military action against Syria. However, he stated August 31 that “the United States should take military action against Syrian regime targets,” adding that “this would not be an open-ended intervention. We would not put boots on the ground. Instead, our action would be designed to be limited in duration and scope.”

Other governments have also said the use of military force would be justified if chemical weapons were used. For example, French President François Hollande stated in an August 27, 2012, speech that Syrian use of chemical weapons “would be a legitimate reason for direct intervention” by the “international community.”<sup>83</sup> Apparently discussing potential military action, French Foreign Minister Fabius told the French Senate on September 5 that

[t]he action we’re proposing is considered and collective. President Hollande stated that it should be – I quote – “firm and proportionate.” A one-time response with meaningful but targeted objectives. There is no question of sending in ground troops. There is no question of launching military operations to overthrow the regime.

William Hague, the UK secretary of state for foreign and commonwealth affairs, told the House of Commons on September 3, 2012, that Syria’s use of chemical weapons “would be an extremely serious matter, and it might change some of the international calculations about this crisis.”<sup>84</sup> Hague did not specify any potential actions, but did say in an opening statement to the House that “we have not ruled out any options as this crisis deepens.” However, British Prime Minister ruled out UK participation in any prospective strikes on Syria after the House of Commons voted on August 29 against such an action.<sup>85</sup>

## Chemical Weapons Dismantlement

Syria submitted its instrument of accession to the Chemical Weapons Convention (CWC) on September 14, 2013. Damascus has also requested provisional application of the CWC to Syria prior to its entry into force for that country.<sup>86</sup> On September 14, 2013, Secretary of State John Kerry and Russian Foreign Minister Sergey Lavrov presented a proposed Framework for Elimination of Syrian Chemical Weapons. The Executive Council<sup>87</sup> of the Organization for the

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<sup>83</sup> “France Warns Syria Over Chemical Weapons Use,” *Reuters*, August 27, 2012.

<sup>84</sup> Commons Debates, *Daily Hansard*, September 3, 2012.

<sup>85</sup> For additional information about international perspectives on military intervention in Syria, see CRS Report R43201, *Possible U.S. Intervention in Syria: Issues for Congress*, coordinated by Christopher M. Blanchard and Jeremy M. Sharp.

<sup>86</sup> The CWC states that “[f]or States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Convention, it shall enter into force on the 30<sup>th</sup> day following the date of deposit of their instrument of ratification or accession.”

<sup>87</sup> The CWC describes the Executive Council as the “executive organ” of the OPCW. “In the case of states acceding to the CWC after 2007, the Executive Council determines the order in which any chemical weapons are to be destroyed, as well as appropriate verification procedures.”

Prohibition of Chemical Weapons (OPCW) is developing a destruction plan for Syria. This plan was adopted by the Executive Council on September 27, 2013.

President Obama said on September 10 that any CW elimination process would have to ensure “verifiable and enforceable destruction.” Key implementation issues will include verification, access, security of stocks and of international personnel, and timelines for action. Because Syria is in the midst of civil war, there are many risk factors that have not been present in past cases of chemical weapons destruction, such as in Libya or Iraq. A top priority would be ensuring the security of the chemical weapons stocks awaiting dismantlement. International inspectors would be at great physical risk and would require adequate protection, and the changing nature of the conflict could limit access of inspectors to sites. Also, the destruction of chemical weapons is a time-consuming, expensive process with great need for safety precautions. Therefore, the initial stage of the process may focus on securing the chemical weapons at existing locations, consolidating at centralized storage facilities if possible, or even shipping out of the country for storage for destruction, although the latter options pose risks during transport. In past cases, the government possessing the chemical weapons has been responsible for guarding chemical weapons stocks and facilities awaiting dismantlement.

## **OPCW Executive Council Decision**

The OPCW Executive Council adopted a decision on September 27, 2013, which requires Syria to destroy its chemical weapons program. Syria’s September 19 declaration included “names, types, and quantities of its chemical weapons agents, types of munitions, and location and form of storage, production, and research and development facilities,” according to the OPCW Executive Council decision. Specifically, it requires Damascus to submit additional information regarding its chemical weapons program within 7 days and submit the CWC-required declaration regarding the government’s chemical weapons program within 30 days. The OPCW Secretariat will make available “any information or declaration referred to in this decision” to all CWC States Parties “within five days of its receipt.”

Moreover, the decision requires Damascus to “complete the elimination of all chemical weapons material and equipment in the first half of 2014.” The Executive Council is to determine “intermediate destruction milestones,” by November 15, 2013, but the decision does require Syria to destroy “chemical weapons production and mixing/filling equipment” by November 1, 2013. The decision also requires Damascus to “cooperate fully with all aspects of the implementation of this decision, including by providing the OPCW personnel with the immediate and unfettered right to inspect any and all sites” in Syria.

According to the decision, the OPCW is to begin inspections in Syria by October 1, 2013, and is to inspect the country’s declared chemical weapons facilities within 30 days. The OPCW is also to inspect “as soon as possible ... any other site identified by a State Party as having been involved in the Syrian chemical weapons programme, unless deemed unwarranted by the Director-General, or the matter resolved through the process of consultations and cooperation.”

The OPCW Secretariat is to report “on a monthly basis” to the Executive Council about the decision’s implementation. The council is to meet within 24 hours if the OPCW Director-General reports delay by Syria “in meeting the requirements” of the September 27 decision or the CWC. The council is to “consider whether to bring the matter, including relevant information and conclusions, to the attention” of the U.N. Security Council.

The decision provides the OPCW with authority to hire personnel “in order to ensure efficient and effective implementation” of the decision. The OPCW is also to “consider, on an urgent basis, the funding mechanisms for activities carried out by the Secretariat with respect to” Syria and “call

upon all States Parties in a position to do so to provide voluntary contributions for activities carried out in the implementation of this decision.”

## **Dismantlement Plan Elements**

### **Destruction<sup>88</sup>**

Kerry stated that the United States and Russia “have agreed ... on a basic assessment of the numbers and types and locations” of Syria’s chemical weapons. The proposal specifies the categories of chemical weapons-related items that are to be destroyed: production equipment; mixing and filling equipment; filled and unfilled weapons and delivery systems; unweaponized chemical agents and precursor chemicals; and material and equipment related to the research and development of chemical weapons.

Syria is believed to have more than 1,000 metric tons of chemical warfare agents and precursor chemicals. This stockpile includes several hundred metric tons of sarin, which represents the bulk of Syria’s chemical weapons stockpile. Syria also has several hundred metric tons of mustard agent in ready-to-use form and several tens of metric tons of VX. The proposal does not specify which delivery vehicles Syria must destroy. The regime has several thousand delivery vehicles, including several hundred Scud-type ballistic missiles. Damascus also has other types of ballistic missiles, aerial bombs, and artillery rockets.<sup>89</sup>

Some chemical agents and precursor chemicals could be destroyed outside of Syria, “depending upon site-specific conditions,” although locations for such destruction have not been publicly identified. These materials could also be consolidated and destroyed “in the coastal area of Syria.”

### **Timeline**

Syria would start implementing its CWC commitments before the Convention enters into force for Damascus. The OPCW will adopt “necessary measures ... to implement an accelerated programme to verify the complete destruction of Syria’s chemical weapons stockpiles, production facilities and other relevant capabilities,” according to a September 14, 2013, OPCW statement. The schedule should include the “shortest possible final deadline, as well as intermediate deadlines, for the destruction of Syrian chemical weapons capabilities,” the proposal says. The “target dates” for implementing the destruction plan are completion of initial on-site inspections of Syria’s declared chemical weapons-related sites by November 2013; destruction of Syrian chemical weapons production, mixing, and filling equipment by November 2013; and complete elimination of all chemical weapons material and equipment in the first half of 2014. As noted above, the OPCW is to begin inspections by October 1.

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<sup>88</sup> Article II of the CWC defines chemical weapons: (a) Toxic chemicals and their precursors, except where intended for purposes not prohibited under this Convention, as long as the types and quantities are consistent with such purposes; (b) Munitions and devices, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals specified in subparagraph (a), which would be released as a result of the employment of such munitions and devices; (c) Any equipment specifically designed for use directly in connection with the employment of munitions and devices specified in subparagraph (b).

<sup>89</sup> For details of Syria’s chemical weapons holdings, see CRS Report R42848, *Syria’s Chemical Weapons: Issues for Congress*, coordinated by Mary Beth D. Nikitin.

## **Access**

Russia and the United States will work with the OPCW, the U.N., and “Syrian parties” to arrange for the security of the monitoring and destruction mission, according to the proposal, which adds that the “Syrian government has primary responsibility ... in this regard.” Kerry argued that, if the Assad government cooperates, inspectors “should not have a problem achieving access” to chemical weapons sites because, he asserted, all of Syria’s chemical weapons “are in areas under regime control predominantly” and should not be in “contested” areas. Damascus has continued to move its chemical weapons to locations where the regime has more control of the weapons, he explained. Kerry acknowledged that the possession of such weapons by opposition groups could “present a larger challenge”; Russia has argued that opposition forces have used chemical weapons. Kerry and Lavrov stated that both the regime and opposition fighters would bear responsibility for ensuring safe access to the sites.

## **Resources**

The international community, including the United States and Russia, will need to contribute both technical and financial assistance to this effort. The OPCW called for such contributions in its September 27 plan. Countries could give directly to the OPCW to support its efforts, or could provide Syria with assistance directly. The September 14 proposal acknowledges that the OPCW needs “supplementary resources to implement” it and explains that the United States and Russia “are each prepared to devote high-level attention and resources to support the monitoring and destruction mission of the OPCW.” Kerry and Lavrov indicated that they will solicit resources from other countries. The State Department is currently waiting for the OPCW to provide an estimate of the destruction costs. The Senate, in its version of the FY2014 National Defense Authorization Act, approved \$13 million for chemical weapons destruction to cover expected costs in Libya or Syria. S.Rept. 113-44 says that “\$13.0 million is transferred to Chemical Weapons Eliminations—Libya/Middle East to prepare for potential requirements in Syria if the U.S. Government has a Syrian partner with whom to work to potentially secure and destroy Syria’s chemical weapons stockpile.” Funding for Syrian chemical weapons destruction may also be proposed in a continuing resolution or supplemental.

G-8 Global Partnership countries may choose to contribute funds to the OPCW for Syrian chemical weapons destruction to fulfill their pledges under that program. European countries in particular have donated funds and expertise to chemical weapons destruction efforts in the Russian Federation and elsewhere.

## **Compliance**

According to the proposal, the OPCW Executive Council decision should “refer to” the CWC provisions requiring the Council to bring issues of non-compliance “directly to the attention of the UN General Assembly and the UN Security Council.” The Framework commits Washington and Moscow to support Security Council adoption of a resolution that “reinforces” the Council decision, includes “steps to ensure its verification and effective implementation,” and includes a provision to “impose measures under Chapter VII of the UN Charter” if Syria fails to comply with the resolution. Such non-compliance would include “unauthorized transfer, or any use of chemical weapons by anyone in Syria.” Security Council Resolution 2118, which underpins compliance, is described below.

## U.N. Security Council Resolution 2118

On September 27, 2013, the U.N. Security Council unanimously adopted Resolution 2118, which endorses the OPCW Executive Council decision and requires Syria to comply with “all aspects” of that decision. In addition, all parties in Syria must give personnel designated by the U.N. and OPCW “immediate and unfettered access to and the right to inspect ... any and all sites,” as well as the right to interview “individuals that the OPCW has grounds to believe to be of importance for the purpose of its mandate.” The resolution also states that Syria “shall not use, develop, produce, otherwise acquire, stockpile or retain chemical weapons” or transfer such weapons. This prohibition applies to non-governmental entities in Syria.

In an apparent effort to address Article I of the CWC, which requires states-parties to refrain, “under any circumstances,” from acquiring chemical weapons, Resolution 2118 gives governments permission “to acquire, control, transport, transfer and destroy chemical weapons identified” by the OPCW Director-General “consistent with the objective of the Chemical Weapons Convention, to ensure the elimination” of Syria’s chemical weapons program “in the soonest and safest manner.”

Resolution 2118 also requests the OPCW Director-General and the U.N. Secretary-General to report every month on the resolution’s implementation and also to report on non-compliance with the resolution or OPCW decision. In the event of non-compliance, “including unauthorized transfer of chemical weapons, or any use of chemical weapons by anyone” in Syria, the Security Council will “impose measures under Chapter VII” of the U.N. Charter.

Resolution 2118 also contains provisions concerning governments other than Syria. It “encourages” states to “provide support, including personnel, technical expertise, information, equipment, and financial and other resources and assistance ... to enable the OPCW” and the U.N. to carry out the chemical weapons destruction mission. Similarly, the resolution “urges” governments and “all Syrian parties” to assist with relevant security arrangements. Moreover, Resolution 2118 requires states to “prohibit the procurement of chemical weapons, related equipment, goods and technology or assistance” from Syria.

In addition to the prohibition on the possession and use of chemical weapons, Resolution 2118 has other provisions that apply to non-state actors. For example, it calls on governments to report any efforts of governments to provide “any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery.” The resolution also calls on governments to report non-state actors’ efforts to undertake such activities.

## Biological Weapons

The question of a Syrian biological weapons program has also been raised in discussions of loss of sensitive military sites. Syria’s biological weapons activities appear to be considerably less advanced than the country’s chemical weapons program. Past U.S. assessments have stated that Damascus was pursuing biological weapons. According to a 1988 intelligence estimate, Syria was “conducting research and development” on a biological weapons program.<sup>90</sup> A 1991 intelligence estimate assessed that the government had “a mature offensive [biological weapons] program” and that some agents “could be weaponized in the next three to five years.”<sup>91</sup> However, a 1997

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<sup>90</sup> *Chemical and Biological Weapons: The Poor Man’s Atomic Bomb*, 1988.

<sup>91</sup> Director of Central Intelligence, *Prospects for Special Weapons Proliferation and Control*, National Intelligence



Defense Department report was similar to the 1988 estimate and added that Damascus had not “begun any major weaponization or testing related to biological warfare.”<sup>92</sup> Several years later, Syria was “not believed to have progressed much beyond the research and development phase and may have produced only pilot quantities of usable agent,” according to an October 2001 Defense Department report.<sup>93</sup>

Some U.S. assessments issued during the past decade have indicated that Damascus has continued to pursue biological weapons. For example, a report from the Director of Central Intelligence to Congress covering the second half of 2002 states that “[i]t is highly probable that Syria also continued to develop an offensive [biological weapons] capability.”<sup>94</sup> More recently, Principal Deputy Assistant Secretary of State Vann Van Diepen stated in April 2012 that Syria “has been researching biological weapons.”<sup>95</sup> Nevertheless, it appears that Syria is still not capable of producing biological weapons. An ODNI report to Congress covering 2009 states that Damascus is “not believed to have achieved a capability to put [biological weapons] agents into effective weapons.”<sup>96</sup> The ODNI report covering 2011 states only that “Syria’s biotechnological infrastructure is capable of supporting BW agent development.”<sup>97</sup>

According to the 2012 State Department report regarding compliance with arms control and disarmament agreements, “the United States is concerned that Syria ... may be engaged in activities that would violate its obligations under the BWC,” if Damascus were a party to the agreement. “It remained unclear during the reporting period whether Syria would consider the use of biological weapons as a military option,” the report adds.<sup>98</sup> The 2013 version of the report reiterates this analysis.<sup>99</sup>

According to April 18, 2013, testimony from Director of National Intelligence Clapper before the Senate Armed Services Committee, Syria’s biological weapons program may be somewhat more advanced than suggested by the assessments described above. Clapper stated that

[b]ased on the duration of Syria’s longstanding biological warfare (BW) program, we judge that some elements of the program may have advanced beyond the research and development stage and may be capable of limited agent production. Syria is not known to have successfully weaponized biological agents in an effective delivery system, but it possesses conventional and chemical weapon systems that could be modified for biological agent delivery.<sup>100</sup>

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*Estimate*, July 1991.

<sup>92</sup> *Proliferation: Threat and Response*, 1997.

<sup>93</sup> Deputy Assistant to the Secretary of Defense for Chemical and Biological Defense, *Chemical and Biological Defense Primer*, October 2001.

<sup>94</sup> *Unclassified Report to Congress on the Acquisition of Technology Relating to Weapons of Mass Destruction and Advanced Conventional Munitions, Covering 1 July Through 31 December 2002*.

<sup>95</sup> Vann Van Diepen, “Key Note Address, U.S. Gulf Cooperation Council Workshop,” April 12, 2012.

<sup>96</sup> *Unclassified Report to Congress on the Acquisition of Technology Relating to Weapons of Mass Destruction and Advanced Conventional Munitions, Covering 1 January to 31 December 2009*.

<sup>97</sup> *Unclassified Report to Congress covering 2011*.

<sup>98</sup> *Adherence to and Compliance with Arms Control, Nonproliferation, and Disarmament Agreements and Commitments*, Department of State, August 2012.

<sup>99</sup> *Adherence to and Compliance with Arms Control, Nonproliferation, and Disarmament Agreements and Commitments*, Department of State, July, 2013.

<sup>100</sup> James R. Clapper, Director of National Intelligence, *Statement for the Record, Worldwide Threat Assessment of the U.S. Intelligence Community*, Senate Committee on Armed Services, April 18, 2013.

DIA Director Flynn testified during the same hearing that “[w]e do not believe Syria has achieved a capability to use biological agents as effective mass-casualty weapons.”<sup>101</sup>

## Cooperative Threat Reduction Programs

As referenced above (“Resources”), U.S. government programs could be used to address or fund efforts to secure or dismantle Syrian weapons of mass destruction or advanced conventional weapons following a regime collapse scenario. There are two most likely sources of such funding. The State Department’s Nonproliferation and Disarmament Fund (NDF) has authority to spend funds “notwithstanding any other provision of law” and is authorized to work in states outside the former Soviet Union. The Department of Defense’s Cooperative Threat Reduction (CTR) has authorization to use funds in the Middle East region as a whole.

Secretary of Defense Hagel told the Senate Armed Services Committee on April 18, 2013, that CTR funds are being used to assist Syria’s neighbors to bolster border defenses and prevent WMD proliferation from Syria:

Through our cooperative threat reduction program, the Department of Defense personnel and our interagency partners are also working closely with Syria’s neighbors, including Jordan, Turkey and Iraq to help them counter the threat from Syria’s chemical weapons.

As part of this effort, the Department of Defense is funding over \$70 million for activities in Jordan including providing training and equipment to detect and stop any chemical weapons transfers along its border with Syria and developing Jordanian capacity to identify and secure chemical weapons assets.

The program will continue to train and equip border security staff in Jordan, Iraq, and Turkey in FY2014 to prevent proliferation of WMD across borders shared with Syria. Prior to this, CTR programs were used most recently in the Middle East in Libya and Iraq. The estimated scope of the chemical (and potential biological) weapons stocks and facilities in Syria is far greater than those in those countries. In Libya, the dismantlement process was initially undertaken with the agreement of the government. In 2011, when unrest toppled the Qaddafi regime, the chemical stocks were secured by forces aligned with the United States. However, additional stocks were hidden by the Qaddafi regime and only identified after the conflict, showing the limits of U.S. and other intelligence.<sup>102</sup> In the case of Iraq, the United States undertook similar work in 2003 after Operation Iraqi Freedom. However, United Nations inspectors had completed much of the dismantlement work after the 1991 Persian Gulf War, and stockpiles and capacity turned out to have been overestimated in 2003. A continued focus of nonproliferation programs in both Iraq and Libya has been engaging former WMD weapons scientists in civilian projects to prevent the exploitation of their expertise for weapons proliferation purposes. International partners under the G-8 Global Partnership have experience cooperating in dismantling former Soviet chemical weapons stockpiles. In general, CTR and NDF programs are not designed to work in a non-cooperative environment and require the agreement of the host country. Therefore, the focus to date for the Syria challenge has been to bolster capacity of neighboring states to interdict any transfers.

Civil war and possible loss of control or regime collapse by a state in possession of weapons of mass destruction poses a distinct change from the way these nonproliferation programs have been implemented in the past. The Syrian case may be the first time the international community faces

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<sup>101</sup> Flynn, April 18, 2013.

<sup>102</sup> See “Chemical Weapons Destruction and Nuclear Material” in CRS Report RL33142, *Libya: Transition and U.S. Policy*, by Christopher M. Blanchard.



the possibility of a civil war in a state with a known stockpile of chemical weapons. Due to the urgency of preventing access to these weapons by unauthorized groups including terrorists, the United States government has been preparing to secure the weapons in the event of the Asad regime's loss of control. A successor regime may not agree to renounce and eventually dismantle Syrian chemical weapons. A new government in Syria may believe that chemical weapons continue to serve as a military deterrent to Israel or others. Some experts and policy makers have suggested that the United States and other countries make joining the Chemical Weapons Convention (and therefore chemical weapons dismantlement) a condition for recognition and support of a new government in Syria.<sup>103</sup>

This situation may have changed after the Assad regime acceded to the Chemical Weapons Convention in mid-September. It is now obligated to destroy its stocks and production facilities, although implementation poses many challenges, and chemical weapons security will remain a concern. With the cooperation of the Syrian government (or a successor government), cooperative threat reduction programs could have a prominent role to play. The Organization for the Prohibition of Chemical Weapons will play a key role in dismantling the chemical weapons in Syria. Therefore, the United States and other countries may contribute funds or technical support for Syrian chemical weapons destruction through the OPCW.

## Legislation

Syria's chemical weapons stocks have been addressed in recent legislation.

- The Free Syria Act of 2013 (H.R. 1327), Section 204 has a provision giving the President the authority to establish a program to facilitate Syrian chemical and biological weapons destruction in cooperation with a "Syrian entity" to "secure, safeguard, disable, dismantle, transport out of Syria, or destroy chemical and biological weapons, their precursor and constituent parts and associated equipment." It includes congressional reporting requirements and funding authorities.
- The Syria Democratic Transition Act of 2013 (S. 617), Section 10 proposes that the United States work with regional partners to develop a plan to secure conventional and unconventional weapons stockpiles in Syria; recover and dispose of all unconventional weapons stockpiled in Syria "with particular attention to chemical weapons"; and prevent the illicit transfer of these weapons. It gives the President notwithstanding authority to conduct these activities. It also includes the sense of Congress that the State Department's FY2014 budget request should include an increase in NADR funding for these goals.
- The House FY2013 Foreign Operations Appropriations Bill (H.R. 5857) said NADR funds "may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so." This could include Syria.
- The Syria Freedom Support Act (H.R. 2106) as passed by the House Committee on Foreign Affairs in March 2012 included a provision that would authorize the

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<sup>103</sup> Chairman Ed Royce, Subcommittee on Terrorism, Nonproliferation, and Trade, Opening Statement for the hearing, *When Regimes Fall: The Challenge of Securing Lethal Weapons*, July 18, 2012; Leonard S. Spector, "Minimizing Dangers Posed by Syria's Military Assets During and After the Current Civil Turmoil," Testimony before the Subcommittee on Terrorism, Nonproliferation and Trade, Committee on Foreign Affairs, U.S. House of Representatives, July 19, 2012.

President to assist a future democratic Syrian government with securing and dismantling its inherited weapons of mass destruction and related facilities. Section 106 of the bill provides \$250 million in drawdown authority and transfer authority from any other appropriated funds “notwithstanding any other provision of law.”

- The Senate FY2012 Foreign Operations Appropriations Committee report (S.Rept. 112-85) said in regard to the Nonproliferation, Demining, and Anti-terrorism funding, “The Committee recognizes that dynamic change in the Near East and ongoing threats and humanitarian needs in other regions afford opportunities to conduct and expand nonproliferation, demining, and anti-terrorism programs, including in Syria should the current regime fall. The Committee recommends additional funding above the budget request to accelerate the U.S. response to such opportunities, which is in the security interests of the United States and regional allies.”
- The National Defense Authorization Act (H.R. 1960) as reported by the House includes Section 1205, which gives authority to the “Secretary of Defense, with the concurrence of the Secretary of State, to provide assistance to the military and civilian response organizations of Jordan, Kuwait, Bahrain, the United Arab Emirates, Iraq, Turkey, and other countries in the region of Syria in order for such countries to respond effectively to incidents involving weapons of mass destruction in Syria and the region.” It authorizes up to \$4 million for this purpose. Section 1251(b) of this bill gives the sense of Congress that “the President should fully consider all courses of action to reinforce his stated ‘redline’ regarding the use of weapons of mass destruction by the Assad regime in Syria.”
- The Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 (P.L. 102-182) requires that the President, following the receipt by the executive branch of “persuasive information ... indicating the substantial possibility that, on or after October 28, 1991, the government of a foreign country has made substantial preparation to use or has used chemical or biological weapons,” determine within 60 days “whether that government, on or after October 28, 1991, has used chemical or biological weapons in violation of international law or has used lethal chemical or biological weapons against its own nationals.” The law also requires the President to report such a determination to Congress “promptly.” The report is to specify sanctions to be imposed on the government pursuant to the law.

The law also contains a provision that enables the chairs of the Senate Committee on Foreign Relations and the House Foreign Affairs Committee (in consultation with the ranking Members) to request at any time a report within 60 days “on the information held by the executive branch which is pertinent to” whether a specified foreign government “on or after December 4, 1991, has used chemical or biological weapons in violation of international law or has used lethal chemical or biological weapons against its own nationals.”

The use, change of hands, or loss of control of chemical weapons stocks in Syria could have unpredictable consequences for the Syrian population as well as for U.S. allies and forces in the region. Congress may wish to assess the Administration’s plans to respond to possible scenarios involving the use, change of hands, or loss of control of Syrian chemical weapons. Congress may also wish to assess the Administration’s plan for chemical weapons verification and destruction in

Syria. Forces, funding, and authorization by Congress may be required to address potential contingencies.

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